

RANDY PRIMM, )  
)  
Plaintiff, )  
)  
v. ) Case No.4:08-CV-482 JCH  
)  
MISSOURI DEPARTMENT OF )  
CORRECTIONS, et al., )  
)  
Defendants. )

This matter is before the Court upon its own motion. Plaintiff filed the instant action on April 9, 2008. Plaintiff's allegations arise from his incarceration at the Farmington Correctional Center (FCC). Plaintiff filed a "Motion to Proceed in Forma Pauperis and Affidavit in Support – Prisoner Cases." [Doc. #2]. However, plaintiff indicates that he was released from FCC. [Doc. #4]. Thus, he is no longer incarcerated. Under these circumstances, the Court will grant plaintiff twenty (20) days in which to submit a "Motion to Proceed without Prepayment of Costs" and "Financial Affidavit - CJA 23" or to pay the filing fee, as set forth below.

**IT IS HEREBY ORDERED** that the Clerk of Court shall provide plaintiff with the court forms entitled “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

**IT IS FURTHER ORDERED** that plaintiff shall have twenty (20) days from the date of this Order to pay the statutory filing fee of \$350.00 or to submit a fully completed and signed “Motion

to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23.”

**IT IS FURTHER ORDERED** that if, within twenty (20) days from the date of this Order, plaintiff fails to pay the filing fee or fails to submit a fully completed and signed “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the case shall be dismissed, without prejudice.

**IT IS FURTHER ORDERED** that, if plaintiff timely submits a “Motion to Proceed without Prepayment of Costs” and “Financial Affidavit - CJA 23,” the Clerk shall cause this case to be resubmitted to the Court for review under 28 U.S.C. § 1915.<sup>1</sup>

Dated this 20th day of May, 2008.

/s/ Jean C. Hamilton

**UNITED STATES DISTRICT JUDGE**

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<sup>1</sup>If plaintiff pays the filing fee, he will be responsible for serving the summons and complaint upon the defendants. See Fed. R. Civ. P. 4(d). Service must be made within 120 days of the filing of the complaint (in the instant case, within 120 days of the payment of the filing fee). See Fed. R. Civ. P. 4(m). Plaintiff is advised that he may seek guidance on serving the defendants from the Office of the Clerk.